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July 15, 2024

VIA ECF

Hon. Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: LV, et al. v. New York City Dept. of Educ., et al., No. 03 Civ. 9917

Dear Judge Preska:

At the hearing on 5/30/24, Your Honor requested that I investigate the Office of Management and Budget (OMB) processes related to hiring that may impede progress of filling current open roles to support satisfying some of the obligations of the 7/19/23 Order. I am writing to provide an update of my investigation to date.

As of the writing of this letter I have interviewed DOE's Chief Financial Office, Chief Talent/Human Resources Officer and several members of DOE's leadership team from the Division of Human Resources (DHR). DOE is in the process of either scheduling a meeting for me with OMB and/or getting answers to my outstanding questions. However, as of today I have not received the information I have requested; I do believe OMB is willing to provide the information I requested and do not anticipate that they will decline my request.

Notwithstanding, what follows is what my team and I have gathered to date.

I observed that DOE has established processes for reviewing and approving job descriptions, obtaining internal approvals to fill positions, supporting recruitment and selection, and authorization protocols. DOE also maintains a Central Hiring Review Policy (CHRP) that details distinct hiring processes including the OMB steps. Included in the policy is the following statement: *"When hiring candidates, Central Offices should account for at least 4–6 weeks For OMB approvals. Please note that during the City Hiring Freeze, timelines may be subject to change."*

What happens during this 4-6 week period is what I am attempting to ascertain from OMB. Though I have not been able to independently validate with DOE or OMB, I have heard that since this request has been made to expedite the hiring of LV specific resources, additional "flags" have been added to LV-specific candidates to help speed up the OMB approval process. I will report back to Your Honor after I have had an opportunity to confer with and/or review hiring approval process documentation from OMB.

I would like to thank the leadership of DOE for making themselves readily available to answer my inquiries about the DOE hiring processes and facilitate meetings and/or obtain information from OMB.

Thank you for your attention to this matter. I am available to discuss this matter further at your convenience.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Irwin', with a stylized flourish at the end.

David Irwin
Thru Consulting, LLC

cc:

Jeff Dantowitz, Esq.
Jasper Perkins, Esq.
Rebecca Shore, Esq.
Elizabeth Vladick, Esq.